

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MICHAEL FRANCIS MOYNIHAN, JR.,

11 Plaintiff, CASE NO. C11-1836-JCC

12 v. ORDER

13 KEEFE COMMISSARY NETWORK,

14 Defendant.

15 The Court, having reviewed the Report and Recommendation of United States Magistrate
16 Judge Mary Alice Theiler, the governing law, and the balance of the record, orders as follows:

17 (1) The Report and Recommendation is ADOPTED;
18 (2) This matter is DISMISSED without prejudice as duplicative of *Moynihan v. Keefe*
19 *Commissary Network*, C11-1830-JCC-MAT (W.D. Wash., November 1, 2011);
20 (3) The Clerk of Court is directed to send copies of this Order to petitioner and to
21 Magistrate Judge Mary Alice Theiler.

22 DATED this 1st day of March 2012.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE